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**Subject:** Final FERC meeting for LaFleur — House E&C advances flurry of energy bills — Oversight planning PFAS hearing

Jul 18, 2019

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# MORNINGENERGY

BY KELSEY TAMBORRINO

*With help from Gavin Bade, Ben Lefebvre and Annie Snider*

## QUICK FIX

— **FERC holds its regular monthly open meeting today** — and it will be the last one for outgoing Commissioner Cheryl LaFleur.

— **A flurry of legislative action in the House** saw the Energy and Commerce Committee advancing more than 20 bills and the full chamber passing legislation to create a climate security panel on Wednesday.

— **The House Oversight Committee is planning** a subcommittee hearing next week on toxic PFAS contamination.

**WELCOME TO THURSDAY!** I'm your host, Kelsey Tamborrino. Pebble Partnership's Peter Robertson knew San Marino is the world's oldest republic. For today: How many U.S. states are landlocked? Send your tips, energy gossip and comments to [ktamborrino@politico.com](mailto:ktamborrino@politico.com).

## DRIVING THE DAY

**SO LONG, COMMISSIONER:** FERC's open meeting today will be the last for Democratic Commissioner Cheryl LaFleur, who will step down in August after Senate Democrats declined to recommend her for renomination last year. Appointed by former President Barack Obama in 2010, the former utility executive served for more than nine years on the commission, twice taking the chairman's seat.

**Known for her focus on reliability** and detail-oriented approach to rulemaking, LaFleur will also be remembered for her good humor at FERC meetings — she publicly gave Chairman Neil Chatterjee a sack of coal for Christmas one year — and her diehard fanaticism for New England sports. LaFleur has not yet announced where she will head after leaving FERC.

**Reminder:** When LaFleur leaves the commission at the end of August, it'll be left with two vacancies. The Trump administration has still not nominated anyone to replace former Chairman Kevin McIntyre, though several people have been rumored to be candidates for the seat.

**On tap today:** FERC is set to consider one pipeline in an otherwise quiet open meeting schedule, but LaFleur earlier this week joined with her GOP colleagues for the fifth time this year to approve a liquefied natural gas export facility.

## ON THE HILL

**HOUSE E&C ADVANCES EFFICIENCY, CYBER BILLS:** After a lengthy markup Wednesday, the House Energy and Commerce Committee advanced 25 bills, including measures on cybersecurity, energy efficiency and workforce training, Pro's Gavin Bade reports.

**The panel advanced several measures** addressing energy efficiency that are also included in the committee's broader infrastructure bill, the LIFT America Act. One such bill, H.R. 2088 (116), would reauthorize a \$3.5 billion annual energy efficiency block program put in place by the Obama-era stimulus package but which expired in 2012. That measure beat back an amendment by voice vote from Republican Rep. Larry Bucshon (La.) that would have pushed the Energy Department to study the block grant program and certify it does not duplicate other ongoing efforts at DOE.

**The committee also advanced four cybersecurity bills**, including H.R. 370 (116), which would direct DOE to track cyber threats to pipelines and LNG facilities, and the Cyber Sense Act, H.R. 360 (116), which would direct DOE to create an inventory of "cyber-safe" products that may be used on the electric grid. Chairman Frank Pallone (D-N.J.) called the cyber bills "completely bipartisan" and said he looks forward to passage in the full House and Senate.

— **Mark your calendars:** The E&C Environment and Climate Change Subcommittee will hold a hearing on July 24 on shifting the U.S. economy away from carbon, it announced Wednesday.

**HOUSE PASSES BILL CREATING CLIMATE SECURITY PANEL:** The House on Wednesday passed an intelligence authorization bill, H.R. 3494 (116), that would create the Climate Security Advisory Council — a climate change security advisory committee under the Office of the Director of National Intelligence, Pro's Anthony Adragna reports.

**The council would meet at least quarterly** and will consist of intelligence experts, as well as three officials from outside the intelligence community. The provision creating the group survived a Republican-led attempt to remove it from the underlying bill.

**PFAS OVERSIGHT EXPANDS:** Congressional action on the class of toxic chemicals contaminating drinking water supplies across the country isn't confined to the committees overseeing EPA. The environment subpanel of the House Oversight Committee is planning its second hearing on PFAS next week, this time probing not just the extent of the contamination, but also what companies manufacturing the chemicals knew about their dangers and when they knew it, according to a letter the committee sent to witnesses.

**DEMOCRATS TO INTRODUCE CLEAN-ENERGY JOBS BILL:** Democratic senators, along with AFL-CIO President Richard Trumka and officials from the National Wildlife Federation and Blue Green Alliance, will unveil legislation today to ensure quality jobs as the clean energy industry grows. The Good Jobs for 21st Century Energy Act — led by Sen. Jeff Merkley (D-Ore.) and with co-sponsors including several 2020 Democratic hopefuls — would provide tax credits to companies that build out an energy economy using strong "pro-worker standards," like living wages and apprenticeship opportunities.

**Merkley, Mazie Hirono (D-Hawaii) and Tina Smith (D-Minn.)** will hold a press conference today with labor and green groups to introduce the bill.

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American energy is being reinvented in many ways. Learn about the benefits, costs, and impacts of mass electrification in America. What are the policy and regulatory concerns that need to be addressed? Join POLITICO on Thursday, July 25<sup>th</sup> at 8:00 AM to find out. RSVP.

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## INTERIOR

**LOWERING THE BOOMTOWN:** A mere 24 hours after the Interior Department announced it was moving the vast majority of the Bureau of Land Management's D.C. staff out West, some of the locals are wondering if the news was all it was cracked up to be.

**DOI made a big to-do about relocating** 27 BLM positions to Grand Junction, Colo., to start a western headquarters, a move that some see partly as a helping hand to Cory Gardner, the state's Republican senator, a friend of Interior Secretary David Bernhardt and one of the most vulnerable Republicans up for reelection in 2020. The problem? Grand Junction now says that 27 positions doesn't exactly a headquarters make, according to an editorial in the local newspaper.

**Is that all there is?** "A day after feeling like this was a game-changer for Grand Junction, the letdown is palpable," the editors of the town's Daily Sentinel newspaper write. "We're stuck between feeling grateful that Grand Junction will be known as the BLM's Western Headquarters and frustrated that such a distinction has been hollowed out to its barest impact." The move could spur growth, the editorial continues, but "we're used to seeing exciting developments fizzle around here. That's how the Interior Department's reorganization feels at the moment."

**Math questions:** The House Appropriations Committee says it still has questions about the proposed move, as Interior didn't brief the committee before the announcement. "Appropriations Committee staff members identified areas where more information is needed and are submitting questions to the Department,"

committee Democrats said in a press release. "Concerns about costs, employee relocation, and more must be addressed to ensure that any outcome is in the best interests of the American people and Bureau employees."

#### AROUND THE AGENCIES

**TAPPED AGAIN:** President Donald Trump on Wednesday once again sent to the Senate the nomination of Aurelia Skipwith to be director of the U.S. Fish and Wildlife Service. Skipwith, co-founder of agricultural consulting firm AVC Global, served as deputy assistant secretary for the agency after first being tapped in 2017. The White House announced in October 2018 that Trump would nominate Skipwith for the director role. Environmentalists previously expressed concern over Skipwith's role in Interior given her former ties to agrochemical company Monsanto.

**TRUMP SELECTS ACC LAWYER FOR CHEMICALS OFFICE:** The Trump administration has tapped a former American Chemistry Council lawyer to replace Nancy Beck in EPA's chemical safety office, Pro's Annie Snider reports. David Fischer began July 9 as deputy assistant administrator for the Office of Chemical Safety and Pollution Prevention. His hiring was first reported by Bloomberg BNA.

**Fischer spent a decade** at the ACC in various positions, including in the office of general counsel. Beck, a former ACC scientific expert, left EPA for a position at the White House National Economic Council.

#### 2020 WATCH

**STEYER PLEDGES TO REJECT FOSSIL FUEL MONEY:** Billionaire environmentalist Tom Steyer on Wednesday added his name to the host of Democratic presidential nominees who've signed the No Fossil Fuel Money Pledge, rejecting large contributions from fossil fuel companies, PACs and executives.

**IN CASE YOU MISSED IT:** Former Vice President Joe Biden earlier this week unveiled a wide-ranging plan aimed at improving economic opportunity in rural America that calls for increasing investment in renewable energy and rural broadband, POLITICO's Helena Bottemiller Evich reports. Biden's plan calls for making U.S. agriculture the first in the world to achieve net-zero emissions

through a mix of incentives and by allowing farmers to participate in carbon markets.

**EDF PACs SPEND IN N.C. RACE:** The Environmental Defense Action Fund is spending \$288,400 between broadcast and cable until July 26 in North Carolina's 9th Congressional District redo election between Democrat Dan McCready and Republican Dan Bishop, according to Advertising Analytics, a political ad-tracking firm. And Environmental Defense Action Fund Votes will pour about the same amount into ads on broadcast and cable networks from July 28 until August 6. Both efforts mark their first media expenditures of the election.

#### MOVERS AND SHAKERS

— **Brent Esplin** was named director of the Bureau of Reclamation's Upper Colorado Region, effective July 21. Esplin has spent more than 20 years at the bureau, most recently as deputy regional director for the Upper Colorado Region.

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**TECHNOLOGICAL DISRUPTION - WHO WILL WRITE THE RULES?** Chapter two of POLITICO's Global Translations" podcast, presented by Citi, is now live. Explore the emergence of 5G technology with host Luiza Savage, understand its role as the foundation for the future of artificial intelligence, and learn who will write the rules in the race to dominate technological advancement. [Listen Now.](#)

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#### THE GRID

- "[White House, Congress getting closer on budget deal](#)," via POLITICO.
- "[Iran says it could close Strait of Hormuz, but doesn't want to](#)," via Bloomberg.
- "[Trump officials worry warming could hurt the grid](#)," via E&E News.
- "[Gardner had good news for Colorado. But Trump had tweets](#)," via the Associated Press.

— "[Angry with PFAS delays, Oscoda residents give the state an earful](#)," via MLive.com.

#### ON THE CALENDAR

- 8:45 a.m.** Center for Strategic and International Studies [conference](#) on "Energy Investment and Infrastructure in Asia," 1616 Rhode Island Ave. NW.
- 9 a.m.** National Marine Manufacturers Association and the Congressional Boating Caucus [briefing](#) on "How Aquatic Invasive Species are Hurting Communities Throughout the Country," HC-8, U.S. Capitol.
- 10 a.m.** House Natural Resources National Parks, Forests, and Public Lands Subcommittee [legislative hearing](#) on various bills, 1334 Longworth.
- 10 a.m.** House Natural Resources Water, Oceans, and Wildlife Subcommittee [legislative hearing](#) on H.R. 2245 (116) , "Conserving Ecosystems by Ceasing the Importation of Large Animal Trophies Act," 1324 Longworth.
- 10:30 a.m.** Senate Energy and Natural Resources Water and Power Subcommittee [hearing](#) to examine opportunities to increase water storage and conservation through rehabilitation and development of water supply infrastructure, 366 Dirksen.
- 11 a.m.** Merkley, Hirono and Smith press conference to unveil the Good Jobs for 21st Century Energy Act, S-115.
- 11:45 a.m.** Carbon Capture Coalition and the American Chemistry Council briefing on reducing and utilizing industrial emissions, SVC 210/212.

**THAT'S ALL FOR ME!**

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**Subject:** News Articles (For EPA Distribution Only)

## **BNA DAILY ENVIRONMENT REPORT ARTICLES**

[Ford, Goodyear Defeat Asbestos Exposure Claims Under Ohio Law](#)

By Peter Hayes

Posted July 22, 2019, 4:30 PM

Ford Motor Co. and the Goodyear Tire and Rubber Co. don't have to face asbestos-exposure claims filed by an Ohio man in Delaware, the Delaware top court held.

### Sawdust Might Be One Answer to the World's Plastic Problem

By Aine Quinn

Posted July 22, 2019, 10:02 AM

A technology startup near Ontario's leafy border with Michigan says it has the answer to the world's plastic pollution problem: sawdust.

## **INSIDEEPA.COM ARTICLES**

### House Republicans Remain Hostile To Democrats' Scientific Integrity Bill

House Republicans are showing little interest in supporting a bill being crafted by Rep. Paul Tonko (D-NY) that seeks to codify scientific integrity requirements at EPA and other agencies, accusing Democrats of "weaponizing" the debate over federal science and faulting the bill for its failure to sufficiently address "research misconduct" and other issues.

### Manufacturers settle precedent-setting lead-paint damages case

One report says "Californian local governments report receiving inquiries from counterparts in other areas of the country interested in bringing their own nuisance claims."

### EPA moves to send methylene chloride challenge to 2nd Circuit

EPA's motion means the court will hear challenges from both industry and environmental groups to the agency's first-time rule under the revised toxics law barring uses of an existing chemical.

### Former industry lawyer takes lead role at OCSP

David Fischer is likely to provide EPA with new expertise as it scrambles to implement the revised toxics law though his selection is also renewing criticism over industry's role in implementing the law.

### New York, Connecticut signal push to address PFAS

The Empire State is poised to propose strictest-in-the nation standards for the two most common PFAS while the Constitution State is creating a workgroup to study PFAS issues.

### GAO Questions EPA's Science Advisor Appointment Process

Congress' watchdog has found that EPA did not follow its published process for selecting experts to serve on two of its core advisory committees in fiscal year 2018 and that the agency failed to ensure that advisors met conflict of interest rules, handing Democrats limited new opportunities to criticize the agency.

A pending suit over EPA's denial of environmentalists' petition seeking to require reporting of asbestos uses under the revised Toxic Substances Control Act (TSCA) is testing plaintiffs' ability to use remedies in both the toxics law and the Administrative Procedure Act (APA) to challenge such denials, potentially expanding plaintiffs' litigation options.

## GREENWIRE ARTICLES

### Top Democrats slam Trump science policies

Sean Reilly, E&E News reporter

Published: Monday, July 22, 2019



(Left to right) Rep. Paul Tonko (D-N.Y.) and Sen. Brian Schatz (D-Hawaii). Paul D. Tonko/Facebook;Wikipedia (Schatz)

Trump administration science policies are driving away government researchers and undercutting efforts to protect Americans from environmental risks, two Democratic lawmakers charged in an op-ed today in *USA Today*.

Taxpayer-funded science "has long informed us of dangers and opportunities that confront our government every day," Rep. Paul Tonko (D-N.Y.) and Sen. Brian Schatz (D-Hawaii) wrote.

"When that system breaks down under political pressure, America becomes a sicker, poorer, weaker nation," wrote the Democrats.

<https://www.eenews.net/greenwire/2019/07/22/stories/1060774017>

## CHEMICAL WATCH ARTICLES

## California extends 1,4-dioxane SCP consultation

23 July 2019 / Alternatives assessment & substitution, Cleaning products, Personal care, US states

California's Department of Toxic Substances Control has extended the deadline to provide comments on 1,4-dioxane in personal care and cleaning products under its Safer Consumer Products programme.

In May, the agency announced it was beginning a "public dialogue" on the substance, which is a contaminant generated during production of ethoxylated surfactants. This could precede the listing of specific products containing it being named a priority under the scheme.

The agency held a workshop on the topic on 28 June. It included presentations from:

- California Communities Against Toxics;
- the American Chemistry Council;
- the California State Water Resources Control Board; and
- the German-based Helmholtz Centre for Environmental Research – UFZ.

A second workshop is scheduled for 21 August. And comments will now be accepted until 30 August.

Feedback the DTSC receives through these avenues will inform the next steps on its potential priority product(s) selection.

At the federal level, the US EPA released a draft risk evaluation of 1,4-dioxane at the end of June as part of the its ongoing work to assess the safety of an initial batch of ten substances under TSCA.

### Related Articles

- [California eyes 1,4-dioxane in certain consumer products](#)
- [EPA releases draft TSCA evaluations for 1,4-dioxane, HBCD](#)

### Further Information:

- [SCP 1,4-dioxane page](#)
- [Comment portal](#)

## Commission assures US of 'limited' titanium dioxide classification impact

23 July 2019 / CLP Regulation, Europe, Substances of concern, United States

The European Commission has told the US that a proposed classification of titanium dioxide as a category 2 carcinogen under CLP, will only have a limited impact on downstream users.

The EU executive's 18 July comments to the WTO come in response to US concerns that the proposed requirements "may be unnecessarily disruptive to billions of dollars in US-EU trade".

In comments to the WTO in March, the US trade delegation said the EU's process to reclassify and label the substance has not been transparent, in terms of when potential regulatory actions under CLP are notified to the WTO and providing time for "meaningful consideration" of responses.

Titanium dioxide is used mainly in spray paints and varnishes, but also in cosmetics and spray-on sunscreen products.

The Commission said while substances classified as category 1 carcinogens have the "most significant consequences" such as bans, those listed as category 2 face "no such significant direct consequences".

It added that there would be "no or minor consequences" with regard to legislation on plant protection products, biocidal products, food additives, contaminants, water and pharmaceuticals.

Regarding other legislation, the use of titanium dioxide could continue under certain conditions, such as:

- an authorisation being granted;
- an exemption; or
- demonstration of safe use.

This, the Commission said, would be the case for plastic food contact materials, toys, cosmetics and the EU Ecolabel.

And it confirmed that only the respirable particles of titanium dioxide – with a diameter smaller than 10µm – will be classified as a suspected carcinogen. It also proposed to introduce a note to limit the classification of mixtures to those placed on the market in powder form with a diameter smaller than 10µm if they contain 1% or more of such particles.

Liquid mixtures (for example, paints) as well as solid mixtures will not have to be classified, it said.

For such non-classified mixtures, the Commission is proposing the addition of the following sentence on the label: 'Warning! Hazardous respirable droplets/dust may be formed when sprayed/used. Do not breathe spray or mist/dust.'

EU stakeholder discussions on the proposal are expected to continue during the summer.

## **Related Articles**

- [EU seeks delegated act for titanium dioxide classification proposal](#)

## **Further Information:**

- [Commission notification](#)
- [US comments](#)

## **Guest Column: Echa's BPC chair discusses BPR progress, backlogs and the future**

23 July 2019 / Biocides, BPR, Europe

Erik van de Plassche, the chairman of Echa's Biocidal Products Committee, examines the entry into force of the Biocidal Products Regulation.



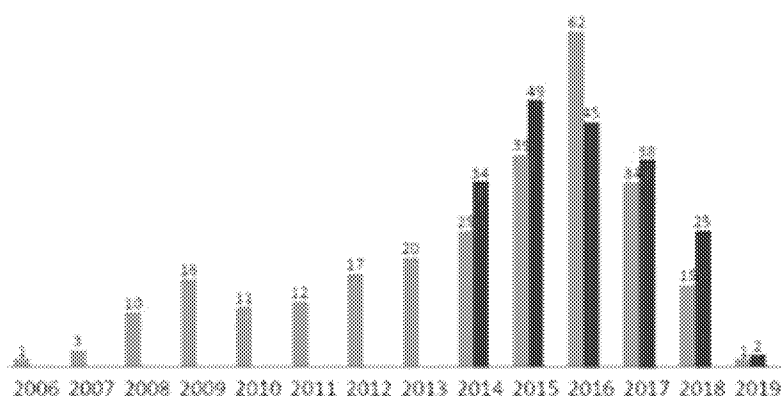
## Introduction

This article is a result of two presentations – one at the Echa Biocides Stakeholder Day on 24 October 2018 and the other at the Chemical Watch Biocides Symposium 23–24 May – on the status of the two most important processes for which Echa is responsible in the implementation of the biocidal products Regulation (BPR): active substance approval and Union authorisation. The aim is to give an overview of their status after the entry into force of the BPR and look into future issues in relation to the progress made.

## Active substance approval

The basis for the BPR is the review programme. One of Echa's main tasks, when this became operational from 1 September 2013, was to speed the work up.

From the figure below, it can be concluded that this was achieved.



**FIGURE 1:** Progress of the approval process of active substances: in blue number of approval decisions taken by the Commission; in orange: number of adopted BPC Opinions.

As can be seen from the figure above, the number of Opinions adopted by the Biocidal Products Committee (BPC) increased from 34 in the first year to approximately 50 later on. This 'speeding up' is also reflected in the high number of decisions on the approval of active substances the European Commission took. At the moment, 33% of the active substance product-type (PT) combinations in the review programme are finalised. However, what can also be seen from the figure is that progress is slowing down in more recent years: member states have submitted fewer than ten evaluations of an active substance PT combination to Echa for peer review over the last two years. Before discussing this, I will give a more detailed overview of the status of the review programme.

Several of the BPR's transitional measures have led to the addition of active substance PT combinations to the programme. Now all deadlines for these measures have expired, the number of these in the programme can be regarded as stable. The latest amendment of 28 November 2018 of the Review Regulation (EU) No 1062/2014 reflects this in Annex II. The table below translates this annex into an overview per priority list.



<b>I: Dec 2015</b>	<b>8</b>	<b>14</b>	<b>16</b>	<b>18</b>	<b>19</b>	<b>21</b>	
	2	0	0	15	25	1	<b>43</b>
<b>II: Dec 2016</b>	<b>3</b>	<b>4</b>	<b>5</b>				
	36	50	23				<b>109</b>
<b>III: Dec 2018</b>	<b>1</b>	<b>2</b>					
	15	79					<b>94</b>
<b>IV: Dec 2019</b>	<b>6</b>	<b>13</b>					
	36	18					<b>54</b>
<b>V: Dec 2020</b>	<b>7</b>	<b>9</b>	<b>10</b>				
	22	31	22				<b>75</b>
<b>VI: Dec 2022</b>	<b>11</b>	<b>12</b>	<b>15</b>	<b>17</b>	<b>20</b>	<b>22</b>	
	58	46	0	1	0	6	<b>111</b>

TABLE 1: Remaining review programme workload. Vertical axis: priority lists with submission deadline of the draft evaluation by the evaluating competent authority (eCA) to Echa. Horizontal axis: number of active substance PT combinations remaining per PT and total per priority list. Source: Echa

A few observations on the changes in this latest version of the Review Regulation (which is (EU) No 2019/227) compared with earlier ones are:

- in this version, all active substance PT combinations for which the UK was the evaluating competent authority (eCA) have been reallocated to another member state: in total 18 active substances;
- several active substances have been added for PT 19 due to the food and feed derogation in Article 15(b) of the Review Regulation: in total 19 substances; and
- the major change is the addition of many *in situ*-generated active substance PT combinations either as 'new' precursors or as additional PTs. Most additions occurred for PT 2, 3, 4, 5, 11 and 12: 24, 7, 16, 13, 17 and 14, respectively. Table 2 gives a more detailed overview of all active substance PT combinations concerning *in situ* generation, including active substances not included in the review programme.

<b>ECHA</b> Active substance generated <i>in-situ</i>	Number of unique precursor(s) generating the active substance	Number of active substance PT combinations
Carbon dioxide	1	1
Sulfur dioxide	1	1
Bromide activated chloramine (BAC)	1	2
Ozone	1	4
Performic acid	1	7
Free radicals	1	11
Peracetic acid	4	5
Monochloramine	5	11
Active bromine	9	18
Active chlorine	9	23
Chlorine dioxide	9	44
	<b>42</b>	<b>127</b>

TABLE 2: Workload in situ-generated active substances (for example, for carbon dioxide the Review Regulation lists one entry: carbon dioxide generated from propane, butane or a mixture of both by combustion (nr. 179) with one active substance PT combination for PT 19). Source: Echa.

It is clear that the remaining review programme workload is considerable: in total 486 active substance PT combinations. Also it can be concluded that there are major delays in meeting the deadline of the priority lists of the Review Regulation: eCAs should already have submitted 43, 109 and 94 evaluations for the active substance PT combinations for lists 1, 2 and 3, respectively.

### 'Backlog' issues

In addition, there are the so-called backlog dossiers: these are active substance PT combinations for which the eCA had already submitted its evaluation for peer review before 1 September 2013 but where still no BPC Opinion has been adopted.

'Overall, it can be concluded that the foreseen timeline for finishing the review programme by 31 December 2024 is in jeopardy'

In total this concerns 54 active substance PT combinations. The major drawback here is that for these cases the Commission will have to take a decision under the rules of the BPD, where one of the main consequences is that an active substance meeting the exclusion criteria is automatically approved for five years. Finally, one can say there is now a 'mini' or 'sub' review programme on *in situ*-generated active substances – in total 127 active substance PT combinations – where often the same active substance generated *in situ* will have to be evaluated many times. Overall, it can be concluded that the foreseen timeline for finishing the review programme by 31 December 2024 is in jeopardy.

Three other types of applications for active substance approval add to the workload: i) submissions under Article 11 of the BPD which are not yet finalised: in total four active substances for 15 active substance PT combinations; ii) applications for new active substances under the BPR: in total 21 active substances for 39 active substance PT combinations are in the evaluation phase, among them free radicals generated *in situ* from ambient air or water and mono-chloramine generated *in situ* from different precursors; iii) applications for renewal: in total ten applications for renewal of an active substance PT combination have been submitted and are under evaluation. All this information – as



well as the status for all active substance PT combinations in the review programme – can be found on the Echa dissemination portal.

## Union authorisation

The other main process under the BPR for which Echa is responsible is Union authorisation. The table below gives an overview of the current status. It describes this annually: for example of the 12 applications submitted in 2015, all were accepted by Echa and passed the validation performed by the eCA; one is under evaluation by the eCA; one is in the peer review phase; for five the BPC Opinion is adopted but no decision has been taken yet on the authorisation; and for five the authorisation is granted.



	Status of application for Union authorisation submitted in:				
	2015	2016	2017	2018	2019
<b>Total number</b>	<b>12</b>	<b>18</b>	<b>43</b>	<b>50</b>	<b>26</b>
Echa acceptance	0	0	0	2	3
Validation eCA	0	0	2	26	23
Evaluation eCA	1	13	39	15	0
Peer review WG and BPC	1	1	2	0	0
BPC opinion adopted	5	4	0	0	0
<b>UA granted</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

TABLE 3: Status of Union authorisation. Echa acceptance: application submitted to the agency; Validation eCA; Evaluation eCA; Peer review: eCA submitted evaluation to Echa for discussion in working groups and BPC; Opinion BPC adopted; UA granted: decision taken by Commission.

From the table, it can be seen that the first applications on Union authorisation were submitted about two years after the entry into force of the BPR. And that the numbers have increased from 10–20 to 40–50 per year.

'As a side effect also a 'backlog' of applications for the same biocidal product for Union authorisation is building up'

However, what can also be observed is that a backlog is starting to build up: over time the number of applications in the evaluation phase is increasing more compared with the numbers entering the peer-review phase up to the granting of the authorisation. In other words, the three-year period in which the authorisation needs to be granted after the date of approval of the active substance, is for more and more applications in jeopardy. As a side effect a 'backlog' of applications for the same biocidal product for Union authorisation is building up: currently 159 applications are awaiting the authorisation of the reference biocidal product and this number is increasing over time.

## Concerns and a way forward

With respect to the delays described above, it can be stated that the causes are complex and multifactorial. It is good to realise that the biocides market in the EU is still in a transitional phase: member states have to cope with the workload

related to transitional measures and their own national systems, which are still in place until the review programme is finalised.

This workload can – depending on the specific situation in the member state – be considerable. It can also be noted that the BPR is now ‘fully’ operational: all processes – and there are many – are now up and running. For example, Echa has received the first applications for a change to Union authorisation.

The slowing down of work of the review programme can possibly be explained by the statement above. However, there is another important factor: the introduction of the scientific criteria for the assessment of endocrine disrupting (ED) properties via Regulation (EU) No 2017/2100.

Since the application date of 7 June 2018, all active substances have to be assessed against these criteria before the Commission can take a decision on approval. Guidance – scientific and technical by Echa and Efsa as well as regulatory and procedural by the Commission and Echa – is in place. But after one year it can be concluded that this new requirement is taking a considerable amount of time for almost every active substance. For example, the decision on 46 active substances PT combinations (for 20 active substances) is currently on-hold due to the lack of an ED assessment, despite the BPC Opinion being already adopted or agreed. Examples of this are formaldehyde and two formaldehyde releasers.

For Union authorisation, several factors can be mentioned the most important being: i) the complex structure of biocidal product families in the application; ii) the assessment of whether a co-formulant is a substance of concern; and iii) the assessment of endocrine disrupting properties for co-formulants. With respect to the first factor, the Commission has recently adopted a guidance note, an important step in making the biocidal product family applications more manageable.

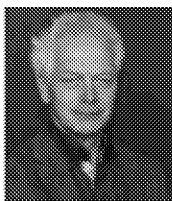
The Commission, Echa, member states and stakeholders have debated these issues, especially the slowing down of the review programme. Already in March 2018 – after several discussions with the member states – some actions were agreed with the Commission and Echa.

Echa's 12–13 February active substance Workshop was an important event, which led to a shared understanding of the main issues and agreement on a number of actions. Following the workshop, the agency started to implement some of these and is currently preparing an action plan for the coming years. Important elements of this will be Echa's direct support to member states with a focus on EDs and reducing complexity. This plan may be subject of another expert article.

One of my favourite authors who has written on EU politics is Luuk van Middelaar. In his book *The Passage to Europe*, published in 2013, he writes: "Thus far, the European Union has been able to 'muddle through' on a middle ground that keeps the multitude of nations integrated, though still independent." Maybe this ‘muddling through’ is a good metaphor for the situation the BPR is in at the moment.

However, van Middelaar doesn't consider this as a phenomenon with only negative connotations: it is inherent in such a complex political system as the EU.

For biocides – in spite of a similar complexity – it is essential that the review programme regains momentum. This is not only important to guarantee a future fee income for member states and Echa but also to avoid unregulated biocidal products being present on the EU market. This is a common goal shared, to my understanding, by all stakeholders.



Erik van de Plassche

## Related Articles

- [EU authorities agree approach for 'in situ' product authorisations](#)
- [Dutch CA struggling with biocides application backlog](#)
- [Echa updates list of compliant review programme notifications](#)

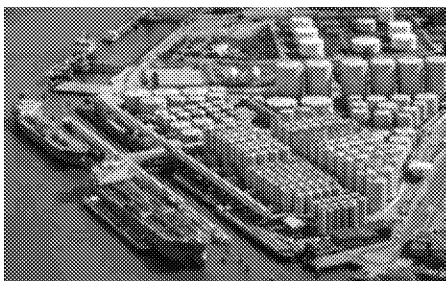
## Further Information:

- [Echa's biocides committee working groups](#)

## Serbia granted UN funding to better implement chemicals conventions

Project part of wider chemicals management efforts

23 July 2019 / POPs, Serbia



The UN Environment Programme has granted Serbia \$250,000 in funds to improve its implementation of four UN conventions related to chemicals and waste.

The project, which will run for two years, will enable the Ministry of Environmental Protection to create policy documents to implement the conventions and subsequent reporting systems. It will also increase capacity and cooperation within the government, according to Unep's press release.

Serbia is a party to three of the four UN conventions on chemicals and waste. It ratified the Basel Convention on exporting hazardous waste in 2000 and, in 2009, it ratified the Stockholm Convention on persistent organic pollutants (POPs) and Rotterdam Convention on importing hazardous chemicals. It signed the Minamata Convention on Mercury in 2014 but has not yet ratified it.

The funding provided by Unep, announced earlier this month, will:

- "strengthen the synergies between the four chemicals and waste-related conventions" in the national government;

- create a national coordination mechanism to monitor implementation;
- work on raising awareness between industry and civil society, with particular focus on how to separate hazardous POPs in the recycling process; and
- establish a data collection system for national reporting to the conventions' secretariat.

The funding is part of Unep's Special Programme, which provides money for "institutional capacity building" on chemicals and waste management around the world. The programme is currently funding projects in 42 countries.

The Serbian project is also part of a larger effort within the country to focus on chemicals and waste management. The country's capital city, Belgrade, has been overhauling its chemicals legislation as part of its efforts to join the EU, ongoing since 2014.

It has lined up its national legislation to match the EU's REACH Regulation and waste framework Directive, as well as its laws on prior informed consent, POPs and mercury.

The EU's strategy for the Western Balkans, published last year, proposed 2025 as a potential year for Serbia and neighbouring Montenegro to join the trade bloc.



Ginger Hervey

UN/emerging markets reporter

#### **Further Information:**

- [Unep press release](#)
- [Special programme projects database](#)
- [EU Strategy for Western Balkans](#)

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### **OTHER ARTICLES**

[What consumers can do as regulators weigh 'compounds' risk](#)

Kennebec Journal & Morning Sentinel

“Oh, wow,” Monarrez, an economist at a think tank, said, when asked if he had ever heard of the **toxic chemicals** that manufacturers were declaring ...

What consumers can do as regulators weigh **compounds**' risks - TribLIVE

What consumers should do as regulators weigh **compounds**' risks - Texarkana Gazette

Full Coverage

Consumers Become Regulators For **Compounds**

Jamestown Post Journal

WASHINGTON (AP) — At first, Tomas Monarrez didn't notice the labels when he went shopping for pots **and** pans. 'Completely **toxin** free!' said a big ...

First-ever bill on regulating PFAS has passed US House

KYW Newsradio 1060

PHILADELPHIA (KYW Newsradio) — Investigation of **toxic chemicals** found in firefighting foam is included in the first-ever bill passed in the U.S. ...

**From:** Faeth, Lisa [Faeth.Lisa@epa.gov]  
**Sent:** 7/19/2019 2:35:37 PM  
**To:** Anderson, Steve [Anderson.Steve@epa.gov]; Askinazi, Valerie [Askinazi.Valerie@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Barkas, Jessica [barkas.jessica@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Blair, Susanna [Blair.Susanna@epa.gov]; Buster, Pamela [Buster.Pamela@epa.gov]; Canavan, Sheila [Canavan.Sheila@epa.gov]; 'Caraballo, Mario' [Caraballo.Mario@epa.gov]; Carroll, Megan [Carroll.Megan@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]; Christian, Myrta [Christian.Myrta@epa.gov]; Corado, Ana [Corado.Ana@epa.gov]; Davies, Clive [Davies.Clive@epa.gov]; Dekleva, Lynn [dekleva.lynn@epa.gov]; Devito, Steve [Devito.Steve@epa.gov]; Doa, Maria [Doa.Maria@epa.gov]; Drewes, Scott [Drewes.Scott@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Edelstein, Rebecca [Edelstein.Rebecca@epa.gov]; Edmonds, Marc [Edmonds.Marc@epa.gov]; Elwood, Holly [Elwood.Holly@epa.gov]; Fan, Shirley [Fan.Shirley@epa.gov]; Farquharson, Chenise [Farquharson.Chenise@epa.gov]; Fehrenbacher, Cathy [Fehrenbacher.Cathy@epa.gov]; Feustel, Ingrid [feustel.ingrid@epa.gov]; Frank, Donald [Frank.Donald@epa.gov]; Gardner, Geraldine [Gardner.Geraldine@epa.gov]; Garvey, Mark [Garvey.Mark@epa.gov]; Gibson, Hugh [Gibson.Hugh@epa.gov]; Gimlin, Peter [Gimlin.Peter@epa.gov]; Gorder, Chris [Gorder.Chris@epa.gov]; Gordon, Brittney [Gordon.Brittney@epa.gov]; Grant, Brian [Grant.Brian@epa.gov]; Gray, Shawna [Gray.Shawna@epa.gov]; Groeneveld, Thomas [Groeneveld.Thomas@epa.gov]; Guthrie, Christina [Guthrie.Christina@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Helfgott, Daniel [Helfgott.Daniel@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Kapust, Edna [Kapust.Edna@epa.gov]; Kemme, Sara [kemme.sara@epa.gov]; Koch, Erin [Koch.Erin@epa.gov]; Krasnic, Toni [krasnic.toni@epa.gov]; Lavoie, Emma [Lavoie.Emma@epa.gov]; Lee, Mari [Lee.Mari@epa.gov]; Lee, Virginia [Lee.Virginia@epa.gov]; Leopard, Matthew (OEI) [Leopard.Matthew@epa.gov]; Liva, Aakruti [Liva.Aakruti@epa.gov]; Lobar, Bryan [Lobar.Bryan@epa.gov]; Menasche, Claudia [Menasche.Claudia@epa.gov]; Morris, Jeff [Morris.Jeff@epa.gov]; Moss, Kenneth [Moss.Kenneth@epa.gov]; Mottley, Tanya [Mottley.Tanya@epa.gov]; Moyer, Adam [moyer.adam@epa.gov]; Myers, Irina [Myers.Irina@epa.gov]; Myrick, Pamela [Myrick.Pamela@epa.gov]; Nazef, Laura [Nazef.Laura@epa.gov]; Ortiz, Julia [Ortiz.Julia@epa.gov]; Owen, Elise [Owen.Elise@epa.gov]; Parsons, Doug [Parsons.Douglas@epa.gov]; Passe, Loraine [Passe.Loraine@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Pratt, Johnk [Pratt.Johnk@epa.gov]; Price, Michelle [Price.Michelle@epa.gov]; Reese, Recie [Reese.Recie@epa.gov]; Reisman, Larry [Reisman.Larry@epa.gov]; Rice, Cody [Rice.Cody@epa.gov]; Richardson, Vickie [Richardson.Vickie@epa.gov]; Ross, Philip [Ross.Philip@epa.gov]; Sadowsky, Don [Sadowsky.Don@epa.gov]; Santacroce, Jeffrey [Santacroce.Jeffrey@epa.gov]; Saxton, Dion [Saxton.Dion@epa.gov]; Scarano, Louis [Scarano.Louis@epa.gov]; Scheifele, Hans [Scheifele.Hans@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]; Schweer, Greg [Schweer.Greg@epa.gov]; Scott Selken [spselken@up.com]; Scott, Elizabeth [Scott.Elizabeth@epa.gov]; Selby-Mohamadu, Yvette [Selby-Mohamadu.Yvette@epa.gov]; Seltzer, Mark [Seltzer.Mark@epa.gov]; Sheehan, Eileen [Sheehan.Eileen@epa.gov]; Sherlock, Scott [Sherlock.Scott@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]; Sirmons, Chandler [Sirmons.Chandler@epa.gov]; Slotnick, Sue [Slotnick.Sue@epa.gov]; Smith, David G. [Smith.DavidG@epa.gov]; Smith-Seam, Rhoda [smith-seam.rhoda@epa.gov]; Stedeford, Todd [Stedeford.Todd@epa.gov]; Stevens, Katherine [stevens.katherine@epa.gov]; Strauss, Linda [Strauss.Linda@epa.gov]; Symmes, Brian [Symmes.Brian@epa.gov]; Tanner, Barbara [Tanner.Barbara@epa.gov]; Thompson, Tony [Thompson.Tony@epa.gov]; Tierney, Meghan [Tierney.Meghan@epa.gov]; Tillman, Thomas [Tillman.Thomas@epa.gov]; Tomassoni, Guy [Tomassoni.Guy@epa.gov]; Tran, Chi [Tran.Chi@epa.gov]; Turk, David [Turk.David@epa.gov]; Vendinello, Lynn [Vendinello.Lynn@epa.gov]; Wallace, Ryan [Wallace.Ryan@epa.gov]; Wheeler, Cindy [Wheeler.Cindy@epa.gov]; Widawsky, David [Widawsky.David@epa.gov]; Williams, Aresia [Williams.Aresia@epa.gov]; Williams, Bridget [Williams.Bridget@epa.gov]; Williamson, Tracy [Williamson.Tracy@epa.gov]; 'Wills, Jennifer' [Wills.Jennifer@epa.gov]; Wise, Louise [Wise.Louise@epa.gov]; Wolf, Joel [Wolf.Joel@epa.gov]; Wright, Tracy [Wright.Tracy@epa.gov]; Yowell, John [yowell.john@epa.gov]  
**Subject:** News Articles (For EPA Distribution Only)

## **BNA DAILY ENVIRONMENT REPORT ARTICLES**

[Paintmakers to Pay \\$305 Million to Resolve California Lead Suit](#)

By Peter Blumberg and Nick Lichtenberg

Posted July 18, 2019, 10:41 AM

Sherwin-Williams, NL Industries and ConAgra Grocery Products agreed with 10 California cities and counties to resolve lead paint-related litigation that is about 20 years old, subject to court approval.

## GREENWIRE ARTICLES

### Access to scientists shrinks. Congress may change that

Niina H. Farah, E&E News reporter Published: Thursday, July 18, 2019



Access to some federal agency researchers has been limited in recent years. Claudine Hellmuth/E&E News (illustration); NeedPix(door);Mr. Tin DC/Flickr and Pixabay (hands with phones and microphones)

*Updated at 2:07 p.m. EDT.*

Bobby Magill knows all too well the challenge of getting a federal agency scientist on the phone for an interview on deadline.

The president of the Society of Environmental Journalists, who is also an energy and public lands reporter at Bloomberg Environment, has been reporting on public lands issues since the George W. Bush administration.

Over the years, starting under President Obama, Magill had noticed a shift in how certain agencies allowed their researchers to respond to media requests.

"I tell you it varies by agency. Speaking from my own experience, access to experts within agencies is extraordinarily difficult to gain," he said.

Advertisement

"I've been told by researchers there that they are not allowed to talk to press without prior authorization from D.C.," he said.

<https://www.eenews.net/greenwire/2019/07/18/stories/1060756831>

## CHEMICAL WATCH ARTICLES

### Commission proposes ban on PVC articles containing lead

18 July 2019 / Alternatives assessment & substitution, Built environment, Europe, REACH, SVHCs

The European Commission has proposed a ban on polyvinyl chloride (PVC) articles that contain lead and its compounds.

It hopes to reduce levels of lead released during the life of PVC articles and the direct and indirect exposure to them.

Lead and its compounds are widely considered as hazardous for human health and the environment. Lead compounds are mainly used as PVC stabilisers in the construction industry, for example in window fittings, pipes and tubes as well as wires and cables. Lead is an SVHC on the candidate list and some of its uses are restricted under REACH Annex XVII.

If agreed, the proposal would:

- prohibit the use of lead and lead compounds in articles produced from polymers or copolymers; and
- ban the placing on the market of PVC articles if the concentration of lead (expressed as metal) is equal to or greater than 0.1% by weight of the PVC material.

The proposal provides some time-limited exemptions from this limit, for rigid and flexible recycled PVC material and for PVC-silica separators in lead acid batteries.

Stakeholders have 60 days to comment following the Commission's notification to the WTO on 12 July. The proposed date of adoption is the third quarter of this year, while the entry into force is 20 days from publication in the EU's *Official Journal*.

However, restrictions on placing articles on the market would be deferred for 24 months after its entry into force.

In March last year Echa proposed a restriction on lead stabilisers that targeted PVC articles used for building and construction applications.

### Related Articles

- [Echa's Rac adopts lead shot restriction proposal, CLP dossiers](#)

### Further Information:

- [Commission draft proposal](#)
- [WTO notification](#)



## US EPA names Nancy Beck's replacement at chemicals office

David Fischer, former ACC lawyer, to fill role at OCSPP

18 July 2019 / TSCA, United States



The US EPA has named environmental lawyer David Fischer as the replacement to the chemical office's Nancy Beck, who has departed the agency for an unspecified role at the White House.

Dr Beck has served as deputy assistant administrator of the Office of Chemical Safety and Pollution Prevention (OCSPP) since the spring of 2017.

But on 9 July, the OCSPP Assistant Administrator Alexandra Dunn issued an internal notice about Mr Fischer's appointment, an environmental lawyer with an industry background.

The correspondence did not indicate his start date, but Chemical Watch confirmed that he has already left his most recent role as a partner of legal and regulatory affairs at IBEX Partners, a public affairs firm.

Like his predecessor, Mr Fischer previously held several senior positions at the American Chemistry Council, specifically in its general counsel office and the chemical products and technology division.

According to Ms Dunn's notice, he also has a background in bird conservation and lead the first national assessment of state activities in lead poisoning prevention.

### Conflict of interest concerns

Dr Beck's time at the agency was mired by NGO scepticism about her objectivity, in large part due to her previous role at the ACC. There, she was senior director of regulatory science policy, where she heavily critiqued the EPA's Integrated Risk Information System (IRIS) programme.

Her 2017 appointment prompted a group of NGOs to voice concern to the agency's then-administrator Scott Pruitt and demand an investigation into her potential conflicts of interest. They questioned whether she would use her position to reshape the proposed new TSCA rules to align with ACC recommendations.

And, over a year into Ms Beck's tenure, Liz Hitchcock of the health advocacy group Safer Chemicals, Healthy Families wrote in Chemical Watch those fears had largely come to pass.

With respect to her replacement, the ACC's Jon Corley told Chemical Watch that Mr Fischer is well-respected in the chemical management field: "His scientific expertise as well as past work with the public health community will benefit EPA as it continues to effectively and efficiently implement the 2016 amendments to TSCA."

But Ms Hitchcock said in an interview, she is concerned that he will fall into the same mold as Dr Beck as he steps into her role at the office.

"It seems to be just a continuation of the inside-track that the [ACC] has had on the Trump EPA's implementation of TSCA reform since day one," she said.



Lisa Martine Jenkins

Americas reporter

### **Related Articles**

- [Senior ACC staffer appointed to EPA leadership role](#)
- [NGOs call for conflict of interest probe into US EPA appointee](#)
- [Guest Column: Enhancing the safety of new chemicals under reformed TSCA](#)

### **Echa round-up**

18 July 2019 / Alternatives assessment & substitution, CLP Regulation, Europe, Exposure scenarios, REACH, Safety data sheets

#### **Restriction intention on flame retardants withdrawn**

Echa has withdrawn its restriction intention regarding childcare articles and residential upholstered furniture with PUR foams containing the three organophosphate flame retardants TCEP, TCPP and TDCP.

The agency is waiting for the results of US NTP studies on the carcinogenicity of TCPP, the data of which is essential to complete the Annex XV dossier, it says.

#### **Report on formaldehyde exposure**

Echa has published a report on formaldehyde exposure and risks posed to workers.

Following a request from the European Commission, the agency investigated uses and worker exposure in different sectors, and assessed these against limits values adopted by the EU executive this year.

The agency submitted an Annex XV dossier on the use of formaldehyde and formaldehyde releasers in mixtures and articles for consumer uses in January.

Echa makes the following recommendations to the Commission:

- assess exposure to formaldehyde for workers employed in sectors not covered by voluntary agreements, in particular SMEs, and how compliance with binding OELs can be achieved;
- assess exposure to the chemical for professional and self-employed workers and analyse available regulatory risk management options, such as a restriction under REACH; and

- encourage EU producers and importers of formaldehyde and formaldehyde-based products to extend to all downstream users the participation to a voluntary agreement and adopt OELs. This may help authorities to decide on further regulation for those sectors that do not adhere to the OELs implemented under the carcinogens and mutagens Directive (CMD), the agency says.

### **Workshop on improving SDSs**

The agency is running a second workshop on improving the workability and quality of extended safety data sheets (SDSs) from 23-24 September in Helsinki.

The follow-up to the March event will discuss its outcomes and share information on the progress made on the focus areas for action 3 of the 2018 REACH Review.

In particular, it will examine which practical solutions already identified are worthy of further development.

The areas for improving SDSs have been identified as:

- user-targeting of information;
- minimum requirements for exposure scenarios;
- methodology for the inclusion of exposure scenarios and derived/predicted no-effect-levels (Dnel/Pnecs) into SDSs for mixtures; and
- how IT tools can support communication of safety information on chemicals.

The registration deadline is 15 August.

### **12th meeting of Enes**

Echa is organising the 12<sup>th</sup> meeting of the Exchange Network on Exposure Scenarios (Enes) on 21 November in Brussels together with trade bodies Cefic, the oil industry trade association Concawe, the Downstream users of Chemicals Coordination group (Ducc), Eurometaux, the European Association of Chemical Distributors (Fecc) and member states.

The event will discuss the tools developed in Enes and how they facilitate the flow of safe use information in the supply chain for: registrants; formulators; end-users; authorities; consultants; and IT-providers.

It will also address what the uptake of the approaches/tools has been so far, and how the use could improve:

- quality of registration dossiers in terms of appreciation of realistic use conditions of the substance, consistency and efficiency of dossier updates;
- efficiency in communicating relevant safety information to the users of chemicals; and
- safe use of chemicals in terms of providing the information in a format and terminology meeting the needs and experience of users.

Registration is open until the end of September or until all places are filled.

### **Chemicals community experience-sharing platform**

The agency is seeking contributors to its 'Guest Corner', a new platform where stakeholders can write about their work and priorities related to chemicals in everyday life.

In a recent contribution, Dorota Napierska from NGO Health Care Without Harm makes the case that the healthcare sector must ramp up efforts to minimise risks posed by toxic chemicals used in procedures and medical devices.

#### **Further Information:**

- [Registry of restriction intentions](#)
- [Formaldehyde exposure report](#)
- [Workshop on improving SDSs](#)
- [Enes meeting](#)
- [Guest Corner](#)

#### **US Congress round-up**

18 July 2019 / Halocarbons, PFCs, United States

##### **Furniture flammability bill clears committee**

The House of Representatives' Energy and Commerce Committee has advanced legislation to adopt California's upholstered furniture flammability standard as the national approach.

If passed by Congress and enacted into law, the Safer Occupancy Furniture Flammability Act (HR 2647, also known as Sofa), would establish a national flammability standard based on California's Technical Bulletin (TB) 117-2013. Currently there are no such requirements in place.

Furniture manufacturers have [historically backed](#) widespread adoption of California's standards, in part because they can be met without added flame retardants.

The bill is sponsored by Doris Matsui (D-California) and Morgan Griffith (R-Virginia) and passed the committee on 10 July by voice vote.

##### **Presidential hopeful Warren weighs in on PFASs**

Senator Elizabeth Warren (D-Massachusetts) has argued in an opinion piece, published in a New Hampshire-based publication, that the federal government needs to do more to combat contamination from per- and polyfluoroalkyl substances (PFASs).

"[If I am elected President] I will take quick, decisive action to end PFAS use on military bases in our communities, enforce strong and effective drinking water standards and get veterans, servicemembers and their families the care they need," she wrote.

Senator Warren is among the front-runners for the 2020 Democratic nomination for president, and New Hampshire is a key primary state in that race.

The state is the site of PFAS contamination from both manufacturing and firefighting foam pollution, and has pursued [legal action](#) against eight companies for damages.

##### **GAO report examines EPA's scientific appointee process**

A Government Accountability Office report has found that the EPA did not follow protocol when appointing advisors to the agency's Science Advisory Board (SAB) and the Clean Air Scientific Advisory Committee (CASAC).

In addition, the GAO documented a significant decrease in the percentage of members affiliated with academic institutions on both the SAB and the Board of Scientific Counselors (BOSC).

The report resulted from a 2017 request from ten senators that the GAO examine the independence of the EPA's 22 scientific advisory committees.

Two subcommittees of the House Committee on Science, Space, & Technology held a joint hearing 16 July on EPA advisory committees and how science should inform decisions.

### **House hearing on scientific integrity**

Two House science committee subcommittees held a joint hearing on scientific integrity in federal agencies on 17 July.

"We must have rigorous policies on scientific integrity, research misconduct, conflict of interest, and data transparency. This instills public trust and confidence in taxpayer funded research," said Representative Jim Baird (R-Indiana) at the hearing.

### **Senate confirms OLEM assistant administrator**

The Senate has voted 52-38 to confirm Peter Wright to serve as the assistant administrator of the EPA's Office of Land and Emergency Management.

As the office's head, Mr Wright will be responsible for the implementation of the Comprehensive Emergency Response, Compensation and Liability Act (CERCLA), also known as Superfund.

### **Related Articles**

- [US furniture industry calls for national flammability standard](#)
- [New Hampshire sues PFAS, firefighting foam manufacturers](#)

### **Further Information:**

- [HR 2647](#)
- [Warren op-ed](#)
- [GAO report](#)
- [House EPA advisory committees](#)
- [House scientific integrity](#)
- [Senate confirmation press release](#)

### **EPA releases TSCA CBI review statistics**

18 July 2019 / Confidentiality & right-to-know, TSCA, United States

The US EPA has released statistics on its routine reviews of confidential business information (CBI) claims under TSCA.

The law, as amended in 2016, requires the EPA to review and make determinations on all CBI claims related to protecting a substance's chemical identity, and at least a quarter of other confidentiality claims that are not exempt from substantiation and review requirements.

Programme statistics newly made available indicate that the agency has had more than 5,000 cases subject to review between the passage of the Lautenberg Act in June 2016 and 25 June this year. These include cases related to a confidential chemical identity (2,177), other confidential information (2,305) or both (587).

Nearly half of the overall cases have resulted in no final CBI determination, for such reasons as the submitter withdrawing the claim or because it was found to be exempt from review.

About 2,000 others, meanwhile, are still undergoing review.

For the remaining 11% of total cases for which the agency has reached a final determination:

- the vast majority – 523 out of 572 – were approved;
- five were denied;
- 34 were in part approved and in part denied; and
- ten are slated to be denied, pending the completion of a 30-day notification period during which companies can object to the determination.

Release of the statistics comes several months after EPA Administrator Andrew Wheeler made a [pledge](#) to Congress to increase the transparency of how the agency is complying with its obligations about CBI determinations under section 14 of TSCA.



[Kelly Franklin](#)

North America editor

#### **Related Articles**

- [EPA promises changes to TSCA new chemicals transparency, CBI](#)

#### **Further Information:**

- [Statistics](#)

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## OTHER ARTICLES

### Intoxicating Beauty: Toxic Chemicals in Cosmetics

Open Access Government

Professor Pamela Lein discusses the toxic chemicals in our cosmetic products that are not as readily recognised by consumers as potentially harmful.

### H&M, Gap, and Tommy Hilfiger are pledging to clean up toxic denim

Fast Company

I'm sorry to say that if you care about the planet, you're going to have to have to stop wearing jeans with cool metal studs, grommets and rivets.

### UK Says Its Citizens Are Exposed To Toxic Chemicals From Birth

BabyGaga

A new report in the UK has revealed that toxic chemicals, some of which are banned, are showing up in breast milk and even umbilical cord blood.

**From:** POLITICO Pro's Morning Energy [politicoemail@politicopro.com]  
**Sent:** 7/18/2019 9:54:50 AM  
**To:** Beck, Nancy [Beck.Nancy@epa.gov]  
**Subject:** Final FERC meeting for LaFleur — House E&C advances flurry of energy bills — Oversight planning PFAS hearing

Jul 18, 2019

[View in browser](#)

# MORNINGENERGY

BY KELSEY TAMBORRINO

*With help from Gavin Bade, Ben Lefebvre and Annie Snider*

## QUICK FIX

— **FERC holds its regular monthly open meeting today** — and it will be the last one for outgoing Commissioner Cheryl LaFleur.

— **A flurry of legislative action in the House** saw the Energy and Commerce Committee advancing more than 20 bills and the full chamber passing legislation to create a climate security panel on Wednesday.

— **The House Oversight Committee is planning** a subcommittee hearing next week on toxic PFAS contamination.

**WELCOME TO THURSDAY!** I'm your host, Kelsey Tamborrino. Pebble Partnership's Peter Robertson knew San Marino is the world's oldest republic. For today: How many U.S. states are landlocked? Send your tips, energy gossip and comments to [ktamborrino@politico.com](mailto:ktamborrino@politico.com).

## DRIVING THE DAY



**SO LONG, COMMISSIONER:** FERC's open meeting today will be the last for Democratic Commissioner Cheryl LaFleur, who will step down in August after Senate Democrats declined to recommend her for renomination last year. Appointed by former President Barack Obama in 2010, the former utility executive served for more than nine years on the commission, twice taking the chairman's seat.

**Known for her focus on reliability** and detail-oriented approach to rulemaking, LaFleur will also be remembered for her good humor at FERC meetings — she publicly gave Chairman Neil Chatterjee a sack of coal for Christmas one year — and her diehard fanaticism for New England sports. LaFleur has not yet announced where she will head after leaving FERC.

**Reminder:** When LaFleur leaves the commission at the end of August, it'll be left with two vacancies. The Trump administration has still not nominated anyone to replace former Chairman Kevin McIntyre, though several people have been rumored to be candidates for the seat.

**On tap today:** FERC is set to consider one pipeline in an otherwise quiet open meeting schedule, but LaFleur earlier this week joined with her GOP colleagues for the fifth time this year to approve a liquefied natural gas export facility.

## ON THE HILL

**HOUSE E&C ADVANCES EFFICIENCY, CYBER BILLS:** After a lengthy markup Wednesday, the House Energy and Commerce Committee advanced 25 bills, including measures on cybersecurity, energy efficiency and workforce training, Pro's Gavin Bade reports.

**The panel advanced several measures** addressing energy efficiency that are also included in the committee's broader infrastructure bill, the LIFT America Act. One such bill, H.R. 2088 (116), would reauthorize a \$3.5 billion annual energy efficiency block program put in place by the Obama-era stimulus package but which expired in 2012. That measure beat back an amendment by voice vote from Republican Rep. Larry Bucshon (La.) that would have pushed the Energy Department to study the block grant program and certify it does not duplicate other ongoing efforts at DOE.

**The committee also advanced four cybersecurity bills**, including H.R. 370 (116), which would direct DOE to track cyber threats to pipelines and LNG facilities, and the Cyber Sense Act, H.R. 360 (116), which would direct DOE to create an inventory of "cyber-safe" products that may be used on the electric grid. Chairman Frank Pallone (D-N.J.) called the cyber bills "completely bipartisan" and said he looks forward to passage in the full House and Senate.

— **Mark your calendars:** The E&C Environment and Climate Change Subcommittee will hold a hearing on July 24 on shifting the U.S. economy away from carbon, it announced Wednesday.

**HOUSE PASSES BILL CREATING CLIMATE SECURITY PANEL:** The House on Wednesday passed an intelligence authorization bill, H.R. 3494 (116), that would create the Climate Security Advisory Council — a climate change security advisory committee under the Office of the Director of National Intelligence, Pro's Anthony Adragna reports.

**The council would meet at least quarterly** and will consist of intelligence experts, as well as three officials from outside the intelligence community. The provision creating the group survived a Republican-led attempt to remove it from the underlying bill.

**PFAS OVERSIGHT EXPANDS:** Congressional action on the class of toxic chemicals contaminating drinking water supplies across the country isn't confined to the committees overseeing EPA. The environment subpanel of the House Oversight Committee is planning its second hearing on PFAS next week, this time probing not just the extent of the contamination, but also what companies manufacturing the chemicals knew about their dangers and when they knew it, according to a letter the committee sent to witnesses.

**DEMOCRATS TO INTRODUCE CLEAN-ENERGY JOBS BILL:** Democratic senators, along with AFL-CIO President Richard Trumka and officials from the National Wildlife Federation and Blue Green Alliance, will unveil legislation today to ensure quality jobs as the clean energy industry grows. The Good Jobs for 21st Century Energy Act — led by Sen. Jeff Merkley (D-Ore.) and with co-sponsors including several 2020 Democratic hopefuls — would provide tax credits to companies that build out an energy economy using strong "pro-worker standards," like living wages and apprenticeship opportunities.

**Merkley, Mazie Hirono (D-Hawaii) and Tina Smith (D-Minn.)** will hold a press conference today with labor and green groups to introduce the bill.

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American energy is being reinvented in many ways. Learn about the benefits, costs, and impacts of mass electrification in America. What are the policy and regulatory concerns that need to be addressed? Join POLITICO on Thursday, July 25<sup>th</sup> at 8:00 AM to find out. RSVP.

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## INTERIOR

**LOWERING THE BOOMTOWN:** A mere 24 hours after the Interior Department announced it was moving the vast majority of the Bureau of Land Management's D.C. staff out West, some of the locals are wondering if the news was all it was cracked up to be.

**DOI made a big to-do about relocating** 27 BLM positions to Grand Junction, Colo., to start a western headquarters, a move that some see partly as a helping hand to Cory Gardner, the state's Republican senator, a friend of Interior Secretary David Bernhardt and one of the most vulnerable Republicans up for reelection in 2020. The problem? Grand Junction now says that 27 positions doesn't exactly a headquarters make, according to an editorial in the local newspaper.

**Is that all there is?** "A day after feeling like this was a game-changer for Grand Junction, the letdown is palpable," the editors of the town's Daily Sentinel newspaper write. "We're stuck between feeling grateful that Grand Junction will be known as the BLM's Western Headquarters and frustrated that such a distinction has been hollowed out to its barest impact." The move could spur growth, the editorial continues, but "we're used to seeing exciting developments fizzle around here. That's how the Interior Department's reorganization feels at the moment."

**Math questions:** The House Appropriations Committee says it still has questions about the proposed move, as Interior didn't brief the committee before the announcement. "Appropriations Committee staff members identified areas where more information is needed and are submitting questions to the Department,"

committee Democrats said in a press release. "Concerns about costs, employee relocation, and more must be addressed to ensure that any outcome is in the best interests of the American people and Bureau employees."

#### AROUND THE AGENCIES

**TAPPED AGAIN:** President Donald Trump on Wednesday once again sent to the Senate the nomination of Aurelia Skipwith to be director of the U.S. Fish and Wildlife Service. Skipwith, co-founder of agricultural consulting firm AVC Global, served as deputy assistant secretary for the agency after first being tapped in 2017. The White House announced in October 2018 that Trump would nominate Skipwith for the director role. Environmentalists previously expressed concern over Skipwith's role in Interior given her former ties to agrochemical company Monsanto.

**TRUMP SELECTS ACC LAWYER FOR CHEMICALS OFFICE:** The Trump administration has tapped a former American Chemistry Council lawyer to replace Nancy Beck in EPA's chemical safety office, Pro's Annie Snider reports. David Fischer began July 9 as deputy assistant administrator for the Office of Chemical Safety and Pollution Prevention. His hiring was first reported by Bloomberg BNA.

**Fischer spent a decade** at the ACC in various positions, including in the office of general counsel. Beck, a former ACC scientific expert, left EPA for a position at the White House National Economic Council.

#### 2020 WATCH

**STEYER PLEDGES TO REJECT FOSSIL FUEL MONEY:** Billionaire environmentalist Tom Steyer on Wednesday added his name to the host of Democratic presidential nominees who've signed the No Fossil Fuel Money Pledge, rejecting large contributions from fossil fuel companies, PACs and executives.

**IN CASE YOU MISSED IT:** Former Vice President Joe Biden earlier this week unveiled a wide-ranging plan aimed at improving economic opportunity in rural America that calls for increasing investment in renewable energy and rural broadband, POLITICO's Helena Bottemiller Evich reports. Biden's plan calls for making U.S. agriculture the first in the world to achieve net-zero emissions

through a mix of incentives and by allowing farmers to participate in carbon markets.

**EDF PACs SPEND IN N.C. RACE:** The Environmental Defense Action Fund is spending \$288,400 between broadcast and cable until July 26 in North Carolina's 9th Congressional District redo election between Democrat Dan McCready and Republican Dan Bishop, according to Advertising Analytics, a political ad-tracking firm. And Environmental Defense Action Fund Votes will pour about the same amount into ads on broadcast and cable networks from July 28 until August 6. Both efforts mark their first media expenditures of the election.

#### MOVERS AND SHAKERS

— **Brent Esplin** was named director of the Bureau of Reclamation's Upper Colorado Region, effective July 21. Esplin has spent more than 20 years at the bureau, most recently as deputy regional director for the Upper Colorado Region.

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**TECHNOLOGICAL DISRUPTION - WHO WILL WRITE THE RULES?** Chapter two of POLITICO's Global Translations" podcast, presented by Citi, is now live. Explore the emergence of 5G technology with host Luiza Savage, understand its role as the foundation for the future of artificial intelligence, and learn who will write the rules in the race to dominate technological advancement. [Listen Now.](#)

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#### THE GRID

- "[White House, Congress getting closer on budget deal](#)," via POLITICO.
- "[Iran says it could close Strait of Hormuz, but doesn't want to](#)," via Bloomberg.
- "[Trump officials worry warming could hurt the grid](#)," via E&E News.
- "[Gardner had good news for Colorado. But Trump had tweets](#)," via the Associated Press.

— "[Angry with PFAS delays, Oscoda residents give the state an earful](#)," via MLive.com.

#### ON THE CALENDAR

- 8:45 a.m.** Center for Strategic and International Studies [conference](#) on "Energy Investment and Infrastructure in Asia," 1616 Rhode Island Ave. NW.
- 9 a.m.** National Marine Manufacturers Association and the Congressional Boating Caucus [briefing](#) on "How Aquatic Invasive Species are Hurting Communities Throughout the Country," HC-8, U.S. Capitol.
- 10 a.m.** House Natural Resources National Parks, Forests, and Public Lands Subcommittee [legislative hearing](#) on various bills, 1334 Longworth.
- 10 a.m.** House Natural Resources Water, Oceans, and Wildlife Subcommittee [legislative hearing](#) on H.R. 2245 (116) , "Conserving Ecosystems by Ceasing the Importation of Large Animal Trophies Act," 1324 Longworth.
- 10:30 a.m.** Senate Energy and Natural Resources Water and Power Subcommittee [hearing](#) to examine opportunities to increase water storage and conservation through rehabilitation and development of water supply infrastructure, 366 Dirksen.
- 11 a.m.** Merkley, Hirono and Smith press conference to unveil the Good Jobs for 21st Century Energy Act, S-115.
- 11:45 a.m.** Carbon Capture Coalition and the American Chemistry Council briefing on reducing and utilizing industrial emissions, SVC 210/212.

**THAT'S ALL FOR ME!**

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Message

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**From:** Hofmann, Angela [Hofmann.Angela@epa.gov]  
**Sent:** 7/1/2019 9:26:58 PM  
**To:** Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]  
**Subject:** FW: David Fischer

Hi Charlotte,  
Just a quick follow-up to our phone conversation earlier today.

For the training, I am not sure you or I need to do more than confirm the training is being scheduled. OGC is doing the training, but since DF is not here yet they can't use Outlook to set that up. I am not sure that I have heard anything about DF's addition, so I am not sure where he is being assigned and in what position. If he is being assigned to the IO, perhaps Derrick can be tasked with getting the appointment with Victoria on his calendar? I have also left Victoria a voicemail to see if there is anything else she needs from you or me.

For the recusal, however, you will likely be named in the recusal as the official for people to consult if there is any concern that his recusal applies. In meetings or for other communications, you will need to be alert to whether his recusal applies and then remind people to honor it. We will need to keep his recusal on file and document any inquiries or issues. I have left Shannon a voicemail to see if there is anything else she needs from you or me.

I will follow-up as soon as I know more.  
- Angela

---

**From:** Fugh, Justina  
**Sent:** Monday, July 01, 2019 4:11 PM  
**To:** Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>  
**Cc:** Clarke, Victoria <clarke.victoria@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>  
**Subject:** David Fischer

Hi there,  
We understand that DAVID FISCHER will be starting in OCSPP effective 7/8/19, so his first day as DAA in OCSPP will be Monday, 7/9/19. We will assign him a new entrant public financial disclosure report using his EPA email address when that is assigned. Victoria Clarke, copied here, will provide his new employee ethics briefing and obtain his signature on the Trump Ethics Pledge. I've asked Mr. Fischer for the names of his former clients so that Shannon Griffo, also copied here, can begin drafting his recusal statement. Can you please ask someone to work with Victoria to arrange for Mr. Fischer's new employee ethics training?  
Thanks,  
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772



## POLITICAL ACTIVITY REPORT – 06/17/19

### New Hires

To SSC	Name	Org	Title	Type/Grade	Effective Date	Status
04/22/19	Amanda Kasper	AO	Spec Advisor to the Administrator	Sch C/GS-15	07/08/19	06/11 Cleared PSB; offer letter issued
05/16/19	W. Scott Mason	OITA	Director, American Indian Environmental Office	Sch C/GS-15	08/18/19	06/13 Awaiting PSB clearance before issuing offer letter
05/29/19	Andrea Woods	OPA	Deputy Press Secretary	Sch C/GS-11		06/06 1019 to OPM
06/03/19	David Fischer	OCSPP	Deputy Asst Administrator for OCSPP	NC SES		06/04 1652 to OPM
06/05/19	Dennis Deziel	Reg 1	Regional Administrator	NC SES		06/06 1652 to OPM
06/05/19	Ken McQueen	Reg 6	Regional Administrator	NC SES		06/06 1652 to OPM

### Current Employees

To SSC	Name	Org	New Title	Type/Grade	Effective Date	Status
10/17/18	Elizabeth White	OES	Dir, Ofc of Exec Secretariat	NC SES		10/26 1652 to OPM
04/18/19	Thomas Mills	AO	Special Advisor for Agriculture Research	Sch C/GS-9		04/26 1019 to OPM
05/22/19	Nathaniel Zimmer	OITA	Associate DAA for OITA	Sch C/GS-13		05/23 Kaitlyn considering titling options before 1019 is drafted.

### Other Issues

Peter Wright	Appointment expires 07/07. Extension request submitted to OPM 05/29; asked OPM for status 06/13.
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Message

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**From:** Taylor, Jeremy [Taylor.Jeremy@epa.gov]  
**Sent:** 6/10/2019 12:28:19 PM  
**To:** Jackson, Ryan [jackson.ryan@epa.gov]  
**CC:** Vizian, Donna [Vizian.Donna@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]; Terwilleger, Brock [terwilleger.brock@epa.gov]; Carr, Dorothy [Carr.Dorothy@epa.gov]  
**Subject:** Monday Politicals Report  
**Attachments:** Jackson\_061019.docx; Roster.xlsx

Hello Ryan,

Attached is the Monday Political Personnel Action Report and Political Appointee Roster. Let me know if you have any questions. Dorothy and I will be traveling to HQ today and be there the rest of the week. We are reachable by email if you need anything.

Thank you,

Jeremy A. Taylor  
Director, Human Resources Management Division, OARM-RTP  
U.S. Environmental Protection Agency  
Research Triangle Park, NC  
919-541-0537



OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT  
RESEARCH TRIANGLE PARK

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## POLITICAL ACTIVITY REPORT – 06/10/19

### New Hires

To SSC	Name	Org	Title	Type/Grade	Effective Date	Status
04/22/19	Amanda Kasper	AO	Spec Advisor to the Administrator	Sch C/GS-15		05/28 Tentative offer extended. Awaiting PSB clearance before issuing letter
05/10/19	Jordan Pic	OCIR	Spec Advisor for Intergov Relations	Sch C/GS-12	06/17/19	06/04 Cleared PSB; offer letter issued
05/16/19	W. Scott Mason	OITA	Director, American Indian Environmental Office	Sch C/GS-15		06/04 Approved 1019 received. Mason is on travel and unavailable for job offer discussion until 06/13.
05/29/19	Andrea Woods	OPA	Deputy Press Secretary	Sch C/GS-11		06/06 1019 to OPM
06/03/19	David Fischer	OCSPP	Deputy Asst Administrator for OCSPP	NC SES		06/04 1652 to OPM
06/05/19	Dennis Deziel	Reg 1	Regional Administrator	NC SES		06/06 1652 to OPM
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